

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

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|----------------------------|---|-----------|
| ESTATE OF CHRISTIAN MAIRE, |) | |
| MICHAL FIGURA, AND |) | |
| CRAIG EVANS, |) | |
| Plaintiffs |) | |
| |) | |
| v. |) | COMPLAINT |
| |) | |
| UNITED STATE OF AMERICA, |) | |
| Defendant |) | |
| |) | |

PRELIMINARY STATEMENT

This is an action brought pursuant to the Federal Tort Claims Act in which the ESTATE OF CHRISTIAN MAIRE, MICHAL FIGURA, AND CRAIG EVANS seek relief for damages they have suffered due to the conduct of agents and employees of the defendant, UNITED STATES OF AMERICA.

JURISDICTION

Jurisdiction is invoked pursuant to 28 U.S.C. §§1346(b) and 2671-80.

VENUE

Venue is proper for the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. §1391(e)(1)(B).

PARTIES

1. Plaintiffs, CHRISTIAN MAIRE, MICHAL FIGURA, AND CRAIG EVANS, at all time, relevant were inmates at FDC Milan, Michigan.

2. The UNITED STATES OF AMERICA, defendant herein, through its agency, the Department of Justice, through its sub-agency, Bureau of Prisons (BOP), is responsible for the operation of the federal prison system.

JURISDICTIONAL PREREQUISITES

3. Pursuant to 28 U.S.C. §§ 2672 and 2675(a), plaintiff, MICHAL FIGURA, filed his claim with the defendant's agency, BOP, on December 2, 2019. On August 7, 2020, the defendant issued a denial of the claim. Less than six months have passed between the denial of plaintiff's claims and the filing of this complaint.

4. On November 18, 2019, the defendant's agency, BOP, received plaintiff Estate of Maire's claim. More than six months have passed without action on that claim.

5. On April 6, 2020, the defendant's agency, BOP, received plaintiff Craig Evans' claim. On September 14, 2020, the defendant issued a denial of claim. Less than six months have passed between the denial of plaintiff's claim and the filing of this complaint.

6. Accordingly, all plaintiffs complied with all jurisdictional prerequisites and conditions precedent to the commencement and prosecution of this litigation.

FACTS

7. Plaintiffs, Michal Figura, Craig Evans and decedent Christian Maire were sentenced prisoners housed in the East Unit of FDC Milan on January 2, 2019.

8. Plaintiffs, Michal Figura and decedent Christian Maire, were convicted of running a highly publicized child sex exploitation ring and were considered sex offenders by the BOP.

9. At Christian Maire's sentencing, this Court, concerned for the safety of Christian Maire and his codefendants, including Michal Figura, ordered that they were not to be placed in general population, but should be placed in a sex offender cadre.

10. Plaintiff, Craig Evans, was convicted of a child pornography offense and was also considered a sex offender by the BOP.

11. All three plaintiff's classification as sex offenders were known or should have been known by employees and agents of defendant's agency, BOP, and specifically defendant's agents and employees at FDC Milan.

12. The East Unit at FDC Milan, was known, or should have been known, by defendant BOP's agents and employees, as a dangerous place for sex offenders.

13. There were numerous prior incidents of attacks upon those labelled sex offenders housed in the East Unit including, but not limited to, assaults and at least one stabbing.

14. After plaintiff, Craig Evans, was housed in the East Unit after his sentencing he expressed concern for his safety to the East Unit counselor, Mr. Kohlman. One of the inmates in the East Unit also threatened plaintiff, Craig Evans. Plaintiff Craig Evans' concerns were ignored.

15. On information and belief, on January 2, 2018, FDC Milan was severely short staffed, failed to conduct adequate searches for weapons and alcohol, knew or should have known about the threats against sex offenders, and made little or no effort to protect sex offenders on that unit, including plaintiffs Michal Figura, Craig Evans, and decedent Christian Maire.

16. Knowing of the dangers to sex offenders in the East Unit, and ignoring this Court's order, agents and employees of the BOP at FDC Milan failed to protect plaintiffs Michal Figura, Craig Evans and decedent Christian Maire due to laziness, hastiness and inattentiveness.

17. On January 2, 2019, plaintiffs Michal Figura, Craig Evans, and decedent Christian Maire were brutally beaten and stabbed and decedent Christian Maire was thrown down a flight of stairs by other inmates, including the inmate that had threatened plaintiff Craig Evans.

18. As a result, plaintiffs Michal Figura, Craig Evans, and decedent Christian Maire suffered grievous physical and psychological injuries. Decedent Christian Maire died from those injuries.

19. These injuries were proximately caused by the negligent and reckless acts of defendant, BOP's agents and employees.

20. Some of the inmates involved in the above attacks are charged in this District with the assault and murder described above. United States v. Castro, 2-19-cr-20498 [E.D. Mich].

CAUSE OF ACTION

21. Agents and employees of the BOP at FDC Milan had a duty to protect inmates in their control, particularly when they were aware or should have been aware of specific threats and concerns.

22. Here, those agents and employees violated that duty by not taking any steps to protect the plaintiffs and decedent herein.

23. The violation of that duty was the proximate cause of the serious injuries, and death complained of here.

RELIEF SOUGHT

Plaintiffs seek judgment against the defendant, for the amount of actual damages; and for such other and different amounts as they shall show by proper amendment before trial; for post-judgment interest at the applicable legal rate; for all court costs incurred in this litigation and for such other and further relief at law and in equity, both general and special, to which plaintiffs may show themselves entitled and to which this Court believes them deserving.

Date: December 4, 2020

/s/ Lawrence A. Vogelmann

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